

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

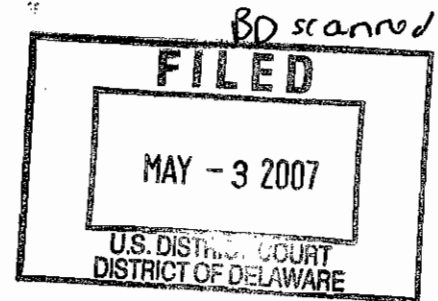
THOMAS R. MILLER,  
Plaintiff,

v.

DR. MAGGIE BAILEY, CMS, and  
FIRST CORRECTIONAL MEDICAL,  
INC.,

Defendants.

Civ. Action No. 06-349-GMS



AMENDED COMPLAINT AGAINST FIRST  
CORRECTIONAL MEDICAL INC, TO ORIGINAL  
COMPLAINT 1983 CIVIL RIGHTS ACT, 42  
U.S.C 1983, FILED MAY 22, 2006  
UNDER RULE 15.1

- (1) Plaintiff Thomas R. Miller starting iron medication (pills) twice a day from January 04 to the middle of June 04 (6) six months for a low Hemaglobin blood level, in which Plaintiff already been diagnosed early January 04 by Dr. Maggie Bailey.
- (2) Throughout the entire (6) six months Plaintiff Miller was never monitored by any of the medical staff at DCC, and realized that he had been overmedicated by the iron medication pills, which caused him to have acid reflux, in which he could not hold his food down without throwing up acid from the stomach and erosion in the esophagus.
- (3) Plaintiff Miller takes acid reflux medication twice a day, as of to this date, he still suffers daily acid reflux disease. Dr. Maggie Bailey acted with deliberate indifference by not having Plaintiff monitored to see if his blood level had come up to its normal level, and is negligent and to be held responsible.

For the overmedicating of Plaintiff Thomas R. Miller which led him to have acid reflux disease. Also at the same time Department of Corrections and State of Delaware had a contract with First Correctional Medical Inc (Arizona Base-) they are to be held liable for the negligent Deliberate indifference of Dr. Maggie Bailey. Whalen v. Correction Medical Service, F. Supp. 2d 2003 WL 21994752, (D. Del., Aug 18, 2003) (NO. 02-246-JJF) Cruel and Unusual Punishment by failing to provide adequate Medical treatment. Specifically, Plaintiff contends that Defendants refused to perform back surgery on Plaintiff, caused Plaintiff to suffer a narcotic overdose, and discontinued the administration of necessary pain medication. Derrickson v. Keve, 390 F. Supp. 905 (D. Del., Mar 07 1975 (NO. Civ. 74-110) Punishment 350 HVII Cruel and Unusual Punishment in General 350 HVII) Conditions of Confinement 350 HK 1546 K. Medical Care Treatment. Formerly 110 K 1213. 10(3), 110 K 1213) It is only where an inmates complaint of improper or inadequate Medical treatment depicts conduct so cruel or unusual as to approach a violation of the Eighth Amendment's prohibition of such punishment.

Green v. First Correctional Medical --- F. Supp. 2d ---, 2006 WL 1266395 D. Del., May 10, 2006 Punishment 350 HVII Cruel and Unusual Punishment in General 350 HVII(H) Conditions of Confinement 350 HK 1546 K. Medical Care and Treatment. Under Eighth Amendment, states have duty to provide adequate Medical Care to those it is punishing by incarceration. U.S.C.A. Const. Amend 8, [3] 350 H Sentencing and punishment 350 HVII Cruel and Unusual Punishment.

Your Honor, Sir Please strike Nominal and Special damages on the prayer for relief of the Complaint memorandum of law.

### Conclusion

Plaintiff Miller proves deliberate indifference that Dr. Maggie Bailey was acting on culpable state of mind of not following up, which could have been prevented if he was monitored either by her or Medical staff. which is indecent inhuman of not being provided of adequate treatment.

DATED:

Respectfully Submitted  
Thomas R. Miller  
DCC, 1181 Paddock Rd  
10033

TO: Thomas R. Miller  
SERIAL: 144108 UNIT: MHV Bldg 23 B-L-4  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19877



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